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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:	§	CASE NO. 18-43297-RFN7
	§	
AMERICO VELA	§	CHAPTER 7
AKA ERIC VELA	§	
DEBTOR(S)	§	HEARING DATE: October 17, 2018
	§	
NATIONSTAR MORTGAGE LLC D/B/A MR.	§	HEARING TIME: 09:30 AM
COOPER	§	
MOVANT	§	
VS	§	
AMERICO VELA	§	
AKA ERIC VELA	§	
AND MARILYN GARNER, TRUSTEE		
RESPONDENTS		

MOTION FOR RELIEF FROM AUTOMATIC STAY OF ACT AGAINST PROPERTY

NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 WEST TENTH STREET, FORT WORTH, TEXAS, 76102-3643, BEFORE CLOSE OF BUSINESS ON OCTOBER 10, 2018, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Nationstar Mortgage LLC d/b/a Mr. Cooper (hereinafter referred to as "Movant"), its successors and/or assigns, a secured creditor in the above-entitled and numbered case, by and through its attorneys, to file this its Motion for Relief from Automatic Stay of Act against Property ("Motion") against: Americo Vela and Marilyn Garner, duly appointed Chapter 7 Trustee, hereinafter referred to respectively as "Debtor(s)," and "Trustee." In support thereof, Movant would respectfully represent to the Court as follows:

1. On August 27, 2018, Debtor(s) filed a voluntary petition under Chapter 7 of the Bankruptcy Code. Subsequently, Marilyn Garner was appointed Trustee in this Chapter 7 case, qualified and is duly acting in such capacity.

2. This Court has jurisdiction of this Motion by virtue of 11 USC §§105, 361 and 362, and 28 USC §§1334 and 157.

3. Movant is the holder of the following Note and Deed of Trust (the "Deed") of even date therewith concerning the real property located at 4108 Longleaf lane, Fort Worth, TX 76137 (the "Property"). True and correct copies of the Note and Deed are included with affidavit filed in support of the motion.

- a. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The Note was subsequently transferred to Movant.
- b. Nationstar Mortgage LLC services the Note on the property. In the event the automatic stay is modified, this case dismisses and/or the Debtor receives a discharge and a foreclosure action is commenced on the property, the foreclosure will be conducted in the name of Movant.
- c. Movant, directly or through an agent, has possession of the Note and held the Note at the time of filing the Motion. The Note has been duly endorsed.
- d. As of 09/06/2018, the unpaid principal balance was \$102,412.37.

Debtor(s) are in default on 6 contractual payments totaling \$5,529.78:
04/01/2018 to 08/01/2018 (5) at \$921.63 each = \$4,608.15
09/01/2018 to 09/01/2018 (1) at \$921.63 each = 921.63

The amount of current monthly mortgage installment payment is \$921.63

4. By failing to make the regular monthly installment payments due pursuant to the Note, Debtor(s) have not provided adequate protection to Movant. Consequently, Movant lacks adequate protection of its interest in the Property. Movant therefore seeks relief from the automatic stay pursuant to 11 USC §362(d).

5. Movant has no remedy available to it other than to seek relief from the automatic stay.

6. Movant specifically requests permission from this Honorable Court to communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

7. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled to reimbursement under the terms of its Note and Deed.

8. For the above and foregoing reasons, Movant asserts cause exists sufficient to waive the requirement

of Bankruptcy Rule 4001(a)(3), therefore allowing Order to be effective upon this Honorable Court's signature.

WHEREFORE, PREMISES CONSIDERED, Movant prays that, upon hearing of this Motion, said automatic stay be terminated as to the claim of Movant, its successors and/or assigns, to seek its statutory and other available remedies; that Movant, its successors and/or assigns, be permitted to obtain possession of the Property to the exclusion of Debtor(s), alternatively, Movant, its successors and/or assigns, be afforded adequate protection by including, but not limited to, having all payments presently due in this proceeding to Movant being brought current and Movant being reimbursed for its reasonable attorneys' fees and expenses; and that Movant be granted such other and further relief, at law and in equity, as is just.

Respectfully submitted,
Bonial & Associates, P.C.

/s/ Chandra D. Pryor
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Attorney for Nationstar Mortgage LLC d/b/a Mr. Cooper

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Movant attempted to confer with counsel for Debtor(s) prior to filing this motion and the issues raised herein are not yet resolved.

/s/ Chandra D. Pryor
LynAlise K. Tannery
Shelly K. Terrill
Braden P. Barnes
Chandra D. Pryor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following parties in interest either via pre-paid regular U.S. Mail or via electronic notification on or before the 26th day of September 2018:

Debtor's Attorney
Richard M. Weaver
Richard M. Weaver & Associates
5601 Airport Fwy
Fort Worth, Texas 76117-6004

Debtor
Americo Vela
301 Globe Ave
Blue Mound, Texas 76131-1110

U.S. Trustee
Office of the U.S Trustee
1100 Commerce Street, Room 976
Dallas, Texas 75242

Chapter 7 Trustee
Marilyn Garner
2007 E. Lamar Blvd., Suite 200
Arlington, Texas 76006

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

Attn: Capital One Auto Finance, a division of Capital One, N.A. Department
AIS Portfolio Services, LP
Account: XXXXXXXXXX8667
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118

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